

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LORA FREIER-HECKLER,

Plaintiff,

vs.

Case No.

1:20CV367

ROBERT WILKIE, SECRETARY

OF THE DEPARTMENT OF

VETERAN AFFAIRS,

Defendant.

- - - - -

DEPOSITION OF LORA FREIER-HECKLER

Taken on Tuesday, October 19, 2021, at 10:00 o'clock a.m.

At The Offices Of:

U.S. Attorney's Office

801 West Superior Avenue

Suite 400

Cleveland, Ohio 44113

Before Margaret Elmo, Court Reporter and
Notary Public in and for the State of Ohio

GOVERNMENT
EXHIBIT

1

1 Q. Okay. Then --

2 A. Like maybe a purchaser was
3 doing a purchase and they needed it
4 signed off by a supervisor or an
5 assistant chief, I didn't have that
6 access.

7 Q. To sign off on it?

8 A. And then it would have been
9 complete.

10 Q. Okay. Do you know if Phil
11 signed off on it?

12 A. He did because he wanted to.

13 Q. Okay. So he would do -- he
14 did not give you access because he did
15 it?

16 A. I don't know if he did it or
17 not, but he didn't want me to have it.

18 Q. Okay. Did he ever tell you
19 that he didn't want you to have access
20 to it?

21 A. Yes.

22 Q. Okay. What did he say?

23 A. He didn't trust me.

24 Q. Did he tell you why?

25 A. I asked. He didn't. But he

1 was on the interview board, he picked
2 me.

3 Q. So he was part of the group
4 that hired you in that position?

5 A. He was the final decision
6 who picked me.

7 Q. Okay. And he didn't tell
8 you why he didn't trust you?

9 A. He did not.

10 Q. How does this negatively
11 interfere with your work performance?

12 A. Because I feel like Mr.
13 Rutledge hung over my head. If I
14 didn't do what he asked me to do, then
15 my rating wouldn't be what it should
16 have been.

17 Q. What do you mean by, your
18 rating?

19 A. So different parts of the
20 year there's incentive awards that are
21 given out, approximately March through
22 maybe June, and then an end-of-year
23 rating.

24 Q. So were you afraid you
25 wouldn't get an incentive reward; was

1 that one concern?

2 A. I knew I wouldn't.

3 Q. And were you worried about
4 your end-of-year rating?

5 A. I was afraid.

6 Q. How were your ratings when
7 you worked under Phil Rutledge, your
8 end-of-year reviews?

9 A. The same as they had been
10 for decades, outstanding.

11 Q. Did you get any incentive
12 rewards while you worked under Phil
13 Rutledge?

14 A. I believe so.

15 Q. Okay. How else did he --
16 did Phil Rutledge create a hostile work
17 environment for you?

18 A. He moved my office away from
19 the employees I was supposed to
20 supervise.

21 Q. Okay. Correct me if I'm
22 wrong, I read that you were moved from
23 a cubicle to an office; is that correct?

24 A. That is not correct.

25 Q. You were always in an

1 office?

2 A. I was in an office and I was
3 moved across the hall into a secured
4 room with him with separate offices.

5 Q. Okay. But you were in the
6 same area as Phil Rutledge, you were
7 moved to?

8 A. Correct. He moved me over
9 in his section. So there's a suite, a
10 hall and into another suite.

11 Q. Okay.

12 A. With separate offices.

13 Q. Did he tell you why?

14 A. He said it was because we
15 were getting more staff, but that was
16 not true.

17 Q. Okay. And you didn't like
18 the move?

19 A. I did not like the move.

20 Q. Did you tell him that?

21 A. I did tell him that.

22 Q. What did he say?

23 A. You're moving.

24 Q. Okay. How did moving your
25 office to the suite across the hall

1 Q. Your house. Okay. Do you
2 remember how long it was for?

3 A. Several hours. I think he
4 had someone else to watch him, but they
5 canceled and he went on a date.

6 Q. Any other ways that he
7 created a hostile work environment?

8 A. After that, he asked me to
9 watch his house.

10 Q. Was he out of town or
11 something like that?

12 A. He was going out of town and
13 the person that was supposed to watch
14 his house canceled for whatever reason.

15 Q. Okay. Did you watch his
16 house?

17 A. So there's a difference
18 between asking someone to do
19 something --

20 Q. I'm sorry. I can see you're
21 getting emotional. Why does it make you
22 so emotional?

23 A. You're not making me
24 emotional. What he did to me, every time
25 I have to talk about it and relive it

1 his cat. I never went there alone. I
2 went with my husband. And I would like
3 to add that when I watched his son my
4 husband was there.

5 Q. Okay. How many days did you
6 check the mail or check on the cat?

7 A. I mean it's been years.
8 Approximately a week.

9 Q. How else did he create a
10 hostile work environment?

11 A. There would be daily
12 meetings, weekly meetings. They were
13 different. And he would bypass me in
14 front of subordinates of mine.

15 Q. What do you mean by that?

16 A. They were all male.

17 Q. Who was all male, your
18 subordinates?

19 A. Yes.

20 Q. So you're saying in the
21 meeting he would bypass you?

22 A. That's what I'm saying.

23 Q. What do you mean by bypass?

24 A. I mean if everybody got the
25 opportunity to talk in here, he would

1 bypass me if everyone in here was male.

2 Q. So he wouldn't let you talk?

3 A. There was one meeting where
4 he told me I couldn't talk.

5 Q. Do you remember what meeting
6 that was that he told you not to talk?

7 A. It was a weekly meeting. It
8 was the supervisor's meeting.

9 Q. Okay. Did you attempt to
10 talk and he told you stop talking?
11 What exactly happened?

12 A. That's exactly what happened.

13 Q. Okay. Did he give you a
14 reason why to stop talking?

15 A. So this is approximately two
16 years into this behavior. That was the
17 day I had enough. And I had a white
18 female -- so this particular meeting
19 there were like junior supervisors --
20 one junior supervisor that was there,
21 she was in charge of purchasing. Junior
22 meaning she was a lower grade than the
23 rest of the 12 supervisors.

24 There was a white female and a
25 black female, and they were

1 that's where the meeting was.

2 Q. Okay. And that's when you
3 asked to speak and he said no?

4 A. Correct.

5 Q. Did he give you a reason or
6 he just said, no, you can't speak?

7 A. He didn't give me a reason.

8 Q. Okay. Then he went to his
9 office and you went into his office to
10 ask him why?

11 A. Yes.

12 Q. When you went to his office
13 to ask him why, was anybody else in his
14 office?

15 A. No, that's why I left the
16 door open.

17 Q. And he didn't answer, he
18 just walked out?

19 A. They heard the conversation
20 because they wrote reports of contact.

21 Q. But he didn't answer, he
22 just walked out of his office?

23 A. I said, why are you not
24 letting me talk and he just looked at
25 me, shrugged his shoulders and was like,

1 no, and turned around and left, went
2 back to the meeting like it never
3 happened. But he would never, ever,
4 ever treat a male like that.

5 Q. Then at that point did he
6 say that you could go while the others
7 stayed behind?

8 A. So he wrapped up a few
9 things at the end of the meeting and
10 then he dismissed me and told them to
11 stay.

12 Q. Okay.

13 A. When I should have been the
14 one that stayed.

15 Q. Why do you say that?

16 A. Because in meetings past, all
17 the meetings past, I'm the one that
18 stayed to review matters that didn't
19 have to do with them.

20 Q. Okay. At this particular
21 meeting was he going to be discussing
22 things that maybe didn't pertain to you?

23 A. Everything pertained to me, I
24 was assistant chief. I was responsible
25 for everything.

1 Q. After this meeting did he
2 ever tell you to leave another meeting
3 again?

4 A. No.

5 Q. Okay. Did he ever tell you
6 not to talk at another meeting?

7 A. No. He did tell me that I
8 couldn't talk to the director, Susan
9 Fuehrer, or the deputy director, Andy
10 Pasina, or the associate director, Beth
11 Lumia. And that was my chain of
12 command. He told me I could not talk
13 to them.

14 Q. Did he say why?

15 A. I said, they're my chain of
16 command. What he didn't realize is I
17 worked for Sue off and on in positions
18 for two decades. And he said he didn't
19 want me to. He wanted to control where
20 my office was, who I supervised, and he
21 wanted me to go to every meeting with
22 him. There's no reason a chief and
23 assistant chief have to go to the same
24 meeting.

25 Q. When he told you not to

1 suites because he had a short reign on
2 me, where was I, I was meeting with
3 Charles, Andy, Beth, Sue.

4 Q. Okay.

5 A. But they put me back there.

6 Q. How else did he create a
7 hostile work environment?

8 A. If he was out, sick leave,
9 annual leave -- so when I went back
10 after the EMS detail, I met with the
11 director because he wouldn't give me my
12 access. Meaning, if someone in another
13 service is ordering a product and their
14 chief signs off on it, it then has to
15 come to logistics to be processed and
16 either Phil or myself or a supervisor,
17 depending on what that product is, would
18 have to sign off on them daily,
19 everything that's purchased in the
20 hospital. He would come in and override
21 my signature on what I signed on.

22 Q. What does that mean? Like
23 he would erase your signature and put
24 his instead?

25 A. Yes.

1 a service chief, he was like a dictator.
2 He wanted to sign off on everything.

3 So in an organizational chart you
4 have the chief, you have assistant
5 chief, flows down, you have the
6 supervisors, you have the employees.
7 So every fiscal year you meet with
8 budget and you go over your org chart
9 and your budget. They usually increase.

10 He took me out of the org chart
11 and put me over in the left-hand corner.

12 Q. How else did he create a
13 hostile work environment?

14 A. That added to it because I
15 met with Andy Pasina about it.

16 Q. Okay. And what else did
17 Phil Rutledge do?

18 A. He was demeaning every day.

19 Q. How so?

20 A. With his jokes, with his
21 female jokes, with his female pictures
22 on his phone.

23 The VISN had a mandate that all
24 GS-7 supply techs would become GS-9s.
25 The only person that had experience in

1 cultural diversity at the Cleveland
2 Heights Police Academy, so I really
3 didn't want to see it.

4 Q. Okay. Let's see. How else
5 did he create a hostile work
6 environment?

7 A. He created a hostile work
8 environment when Bill Precht thought he
9 could have gotten the assistant chief
10 job three days after I got there.

11 Q. Okay. What do you mean by
12 that?

13 A. Bill Precht told me that
14 Phil offered him the position, and that
15 he told employees that he was getting it
16 the November prior. But I wasn't in
17 the service, I wouldn't know any of that
18 took place. But I was only there three
19 days and Bill Precht thought -- he was
20 comfortable enough to come into his
21 assistant chief's office and make that
22 comment. But he was drinking buddies
23 with Phil and they shared a commonality
24 with their Jeeps and Bill would go over
25 there and they would put hard tops on,

1 was the final decision maker who put you
2 in that position?

3 A. That was my understanding
4 when I called HR, because I wanted to
5 know I got the position on my own
6 merit and they said I did.

7 Q. Okay. How else did Phil
8 Rutledge create a hostile work
9 environment?

10 A. He, on a daily basis,
11 treated me different than the male
12 supervisors and males in the section.

13 Q. Okay. How so?

14 A. Leaving me out of meetings.
15 When I went back the second time from
16 EMS, he took away my access to his
17 calendar. And they sound like a minute
18 thing, but it wasn't for him because
19 that's how he ran the service. The
20 supervisors had access to his calendar.
21 He wouldn't send you an email saying
22 you're invited to this meeting. You were
23 just supposed to check his calendar and
24 see if there was a meeting.

25 Q. Okay.

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1 that that's the way I knew if I had to
2 go to a meeting that was separate from
3 maybe that Tuesday meeting with Beth at
4 10:00.

5 Q. Okay. Did you talk to Phil
6 Rutledge about him denying your access
7 to his calendar?

8 A. I did.

9 Q. What did he say?

10 A. He didn't want me to have
11 access.

12 Q. Did he tell you why?

13 A. He said that it was private
14 and nobody had access, but that was a
15 false statement. Because I already
16 checked with the employees and I
17 continued to check with them and they
18 still had access. Suuru had access
19 until he retired, so did Bob.

20 Q. Okay. How else did Phil
21 Rutledge create a hostile work
22 environment?

23 A. In meetings he would
24 undermine what I was saying.

25 Q. Okay. How so?

1 A. He wanted to be the subject
2 matter, expert on everything. If
3 someone asked me whatever and I answered
4 it, he would try to degrade what I was
5 -- what I was saying.

6 Q. Can you give me an example?

7 A. I would go to a meeting in
8 the front office, say with Beth, we
9 would be giving whatever data we needed
10 to report out on and then he would add
11 to what I was saying, but it wasn't
12 true. So I don't know if I put my head
13 down, but Beth would say, well, are
14 these figures correct, forcing me to say
15 no.

16 But neither one should have put
17 me in that position because I shouldn't
18 have been at the meeting with Beth
19 because a service chief goes to a
20 meeting with an associate and a deputy
21 alone, unless they've requested both of
22 them.

23 Q. Okay. Any other way he
24 created a hostile work environment?

25 A. Yes. Four days after I was

1 will be in the 90s, I guarantee you.

2 And she said, how are you going
3 to guarantee that? And she said because
4 Lora's going to be in charge of this
5 inspection.

6 I sat there and thought, what is
7 going on. And when I got out of there
8 -- well, prior to that she said, how do
9 you know you're going to get 90, and
10 she said because Lora used to work for
11 me. The meeting kind of ended, but
12 then Rutledge outside the door berated
13 me in front of supervisors, why did that
14 happen, why did she say that? And I
15 only told him to go ask her, I don't
16 know why.

17 Q. Okay. How else did he
18 create a hostile work environment?

19 A. I didn't feel that I could
20 apply for another position because I
21 observed Rutledge on one call where he
22 should have been giving a rating for
23 someone who called for a recommendation,
24 and he was silent. And he said, well,
25 that speaks volumes for people that want

1 to leave.

2 Well, I knew that he would be
3 doing that to me.

4 Q. That he wouldn't give you a
5 good recommendation?

6 A. Correct. Because he should
7 have been -- to the person that was
8 asking -- that he had on the phone for
9 the person that was applying. But
10 again, that goes back to wanting to be
11 this dictator of, you can't go, you
12 can't stay and do what you're supposed
13 to do, you have to do what he wants you
14 to do.

15 Q. Okay. How else would Phil
16 Rutledge create a hostile work
17 environment?

18 A. So after I -- after I filed,
19 thinking the EEO process would assist
20 me, which it didn't; thinking ORM would
21 assist me, which it did not; thinking
22 whistle blower would assist me, which it
23 did not; I had to go through all these
24 federal processes to get my letter for
25 the right to sue, which I was looking

1 for. Because what was done to me
2 should not have been done to me.

3 And I sure should have been
4 protected after I filed formally, which
5 I was not because they stopped talking
6 to me in 2017 and didn't engage me
7 until 2020, 2021.

8 Q. Who stopped talking to you?

9 A. Sue Fuehrer, Andy Pasina,
10 Beth.

11 Q. How else did Phil Rutledge
12 create a hostile work environment?

13 A. By passing me over in
14 meetings. It's demoralizing. What does
15 that say to the male supervisors in the
16 room that are a lower grade than you.
17 But what they've consistently done is
18 inconsistent from the director down to
19 the chief with the accountability in
20 management of taxpayer dollars.

21 Q. Were there other ways that
22 Phil Rutledge created a hostile work
23 environment that we haven't talked
24 about?

25 A. I'm sure there were more.

1 doctor?

2 A. No, he just said that he
3 would not. The only difference between
4 me, Tim and Neil is that I'm a female.

5 Q. Okay. How did this affect,
6 negatively interfere with your work
7 performance when he wouldn't call you
8 doctor?

9 A. Well, it's disrespectful.
10 Right? It causes animosity in meetings
11 because he's being respectful to Tim
12 Heimann in meetings, he's being
13 respectful to Tim Peachy. And when
14 they're not present, when supervisors
15 are present, he's just blatantly not
16 respectful towards me and the only thing
17 that was different between me and any
18 other supervisors was that I was a
19 female.

20 Q. Okay. I'm glad that you
21 added that. Is there anything else that
22 you thought of? We just took a lunch
23 break. Anything else come up that you
24 remembered as far as things he did that
25 created a hostile work environment?

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1 A. He would constantly, when I
2 would have to go to a meeting with him
3 and Beth or him and Andy or if Sue was
4 there, mostly Beth at the end, he would
5 -- after the meeting, he would say,
6 well, why did that happen, if they gave
7 me -- at one point Beth gave me
8 responsibility to do all the employee
9 actions because he wasn't filling
10 positions.

11 But I feel like management used
12 my past relationship with them to get
13 the positions filled, for example, but
14 didn't take care of the repeated problem
15 that I said existed towards me just
16 being a female.

17 Q. Okay. Any other ways that
18 he created a hostile work environment?

19 A. Well, after Bill Precht was
20 -- HR actions were supposed to happen,
21 he went to the chief of the director's
22 office. Phil okayed Bill Precht to have
23 all of his accesses back in logistics,
24 but he was in a different position, he
25 was in surgery. That was undermining

1 approve a request and then final

2 approve a request. That's a conflict of
3 interest times four.

4 Q. What was Precht's position at
5 the time?

6 A. At which time?

7 Q. At the time he gave him all
8 this access back.

9 A. He worked for surgery. But
10 prior to that he worked for logistics in
11 just about the same position, but he was
12 sitting over in surgery because he
13 should have been a purchaser for
14 surgery.

15 Q. So he was a purchaser?

16 A. Yes. But after that, the
17 director had him with the chief of
18 staff's admin officer. Then he went to
19 surgery and they made him a supervisor.

20 Q. He was a supervisor in
21 surgery?

22 A. They made him one.

23 Q. Okay. Any other ways that
24 Phil Rutledge created a hostile work
25 environment?

1 CERTIFICATE

2 .

3 State of Ohio,) SS.:

4 County of Cuyahoga.)

5 I, Margaret Elmo, a Notary Public
6 within and for the State of Ohio, duly
7 commissioned and qualified, do hereby
8 certify that the within named witness,
9 was duly sworn to testify the truth, the
10 whole truth and nothing but the truth in
11 the cause aforesaid; that the testimony
12 then given by the witness was by me
13 reduced to stenotypy in the presence of
14 said witness; afterwards transcribed,
15 and that the foregoing is a true and
16 correct transcription of the testimony
17 so given by the witness.

18 I do further certify that this
19 deposition was taken at the time and
20 place in the foregoing caption
21 specified.

22 I do further certify that I am
23 not a relative, counsel or attorney for
24 either party, or otherwise interested in
25 the event of this action.

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1 I am not, nor is the court
2 reporting firm with which I am
3 affiliated, under a contract as defined
4 in Civil Rule 28 (D).

5 IN WITNESS WHEREOF, I have
6 hereunto set my hand this ____29th____ day of
7 _____October_____, 2021.

8 .

9 .

10 .

11 .

12 

13 Margaret Elmo, Notary Public

14 within and for the State of Ohio

15 .

16 .

17 .

18 My commission expires

19 November 17, 2022.

20 .

21 .

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